



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :21.02.2022

CORAM:

WEB COPY

THE HONOURABLE MRS. JUSTICE S.ANANTHI

C.R.P (MD) .No.311 of 2022

Ramesh ... Petitioner/1st Respondent

Vs.

1.Anitha Kumari ...1st Respondent/Petitioner

2.The District Collector,
Collectorate Campus,
Nagercoil.

3.The Sub Collector,
Collectorate Campus,
Nagercoil.

4.The Tahsildar,
Agastheeswaram Taluk,
Collectorate Campus,
Nagercoil.

...Respondent Nos.2 to 4/
Respondent Nos.2 to 4

PRAYER : This Civil Revision Petition is filed under Article 227 of the Constitution of India, to set aside the fair and decretal order dated 08.11.2021 passed in I.A.No.1 of 2021 in O.S.No.229 of 2019 on the file of the II Additional District Munsif Court, Nagercoil by allowing this Civil Revision Petition.

For Petitioner : Mr.D.Nallathambi

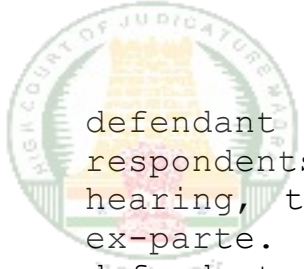
For R1 : No Appearance

For R2 to R4 : Mr.S.Kameswaran

O R D E R

This Civil Revision Petition has been filed to set aside the fair and decretal order dated 08.11.2021 passed in I.A.No.1 of 2021 in O.S.No.229 of 2019 on the file of the learned II Additional District Munsif Court, Nagercoil.

2.The learned counsel for the petitioner submitted that the revision petitioner/plaintiff has filed a suit in O.S.No.229 of 2019 for declaration order passed by the 2nd respondent/2nd



defendant is null and void. The summons was received by the respondents herein and on 17.02.2020, when the case was posted for hearing, the first respondent/4th defendant called absent and set ex-parte. Aggrieved by that order, the first respondent/4th defendant has filed I.A.No.1 of 2021 under Order 9 Rule 7 and Section 151 of CPC., which was allowed on cost. Against which, the petitioner/first respondent has filed this Civil Revision Petition.

3.A perusal of records show that since the suit in O.S.No.229 of 2019 is still pending and the first respondent/4th defendant has also filed a written statement in the suit, the learned II Additional District Munsiff, Nagercoil has rightly allowed the petition in I.A.No.1 of 2021 in O.S.No.229 of 2019 on payment of cost. The cost was also paid by the first respondent/4th defendant. So we must give one opportunity to her to conduct the case. Therefore, this court finds no valid reason to interfere with the order passed by the Court below.

4.In view of the above, this Civil Revision Petition stands dismissed by confirming the fair and decretal order dated 08.11.2021 passed in I.A.No.1 of 2021 in O.S.No.229 of 2019 on the file of the learned II Additional District Munsif Court, Nagercoil. No costs. Consequently connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CSIII)

// True Copy //

/ /2022
Sub Assistant Registrar

vsd

Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate / litigant concerned.

To

1.The II Additional District Munsif Court,
Nagercoil.



2.The District Collector,
Collectorate Campus,
Nagercoil.

3.The Sub Collector,
Collectorate Campus,
Nagercoil.

4.The Tahsildar,
Agastheeswaram Taluk,
Collectorate Campus,
Nagercoil.

+1 CC to M/s.D.NALLATHAMBI, Advocate
(SR-7562[F] dated 21/02/2022)

+1 CC to M/s.SPL Government Pleader
(SR-7533[F] dated 21/02/2022)

C.R.P (MD) .No.311 of 2022
21.02.2022

SP/17/03/2022/3P/7C